

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

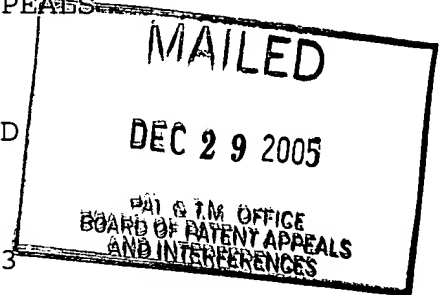
The opinion in support of the decision being entered today (1) was **not** written for publication in a law journal and (2) is **not** binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAMES STEVEN REID
and JAMES H. FALLON

Application No. 09/739,933



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on October 5, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Information Disclosure Statements (IDSs) were filed On April 22, 2003; November 26, 2003; August 27, 2003 and November 20, 2003. There is no indication in the record that these IDSs have been considered. According to MPEP § 609 which states:

" The Examiner must also fill in his or her name and the date the information was considered in blocks at the bottom of the PTO-1449 or PTO/SB/08B form."

According to the Ram Fee History Query, a Request for Oral Hearing was filed on September 12, 2005. However, that paper is missing from the Content Information page in palm and the electronic file.

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) consideration of the IDSs;
- 2) have a complete copy of the Request for Oral Hearing scanned into the record; and
- 6) for such further action as may be appropriate.

By: _____



CRAIG R. FEINBERG
Program and Resource Administrator
(571) 272-9797

CRF/dal

BOZICEVIC, FIELD & FRANCIS, LLP
1900 UNIVERSITY AVE.
STE. 200
EAST PALO ALTO, CA 94303